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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,160	12/20/2001	Kurt A. Estes	9793070-0439	1693

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EXAMINER

WEBB, GREGORY E

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/027,160

Applicant(s)

ESTES ET AL.

Examiner

Gregory E. Webb

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 79-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 79-81 and 83-87 is/are rejected.
- 7) ☒ Claim(s) 82 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The following action is in response to the applicant's amendments and arguments filed 10/14/03.
2. The applicant has submitted new claims containing several limitations not presented in previous amendments. The applicant's claims now require the inclusion of perfume (see claim 79), fluids with specific KB values, and specific additives. The applicant has further submitted claims containing almost all of these limitations (see claim 87).
3. The applicant's amendments have overcome previous rejections. As such all prior rejections are withdrawn.
4. It should be noted that the applicant's remarks contain incorrect copies of the claims. For example claim 79 in the Remarks section of the applicant's response does not contain the KB limitation defined in the preceding amendment section. The examiner will consider the claims presented in the claims section to be the correct copy.

### ***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 79-81, 83-87 are rejected under 35 U.S.C. 102(e) as being anticipated by Sidoti et al (US 5,865,851).
7. Sidoti teaches compositions for laundering containing surfactants, fluorosurfactants, organic solvents and water (see col. 4, lines 15-29).

8. Sidoti teaches the fluorosurfactant may be a hydrofluoroether, perfluorinated ether or a perfluoroalkyl carboxylates (see col. 7, lines 1-15).
9. It should be noted that fluorosurfactants have a surface tensions below 20 dynes/cm<sup>2</sup>,
10. Sidoti teaches the addition of organic solvents including glycols and ethers (see col. 7, lines 27-68).
11. Sidoti teaches adjuvants including fragrances, optical brighteners, biocides, and preservatives.
12. Claims 79-81, 83-87 are rejected under 35 U.S.C. 102(e) as being anticipated by Tyerech et al (US 5,712,240).
13. Tyerech teaches carpet cleaning compositions containing fluoroaliphatic compounds, anionic surfactants, solvents, water and various additives including dyes, fragrances, further solvents and surfactants, optical brighteners (i.e. UV light absorber; see col. 2, lines 50-68; col. 3, lines 1-20).
14. Concerning the working fluid, Tyerech teaches the use of fluoro ethers (see col. 6, lines 1-20).
15. Concerning the cosolvent, Tyerech teaches the use of glycol ethers.
16. Claims 79-81, 83-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Flynn et al (US 4,636,328).
17. Flynn teaches compositions containing surfactants (see col. 6, lines 13-30), solvents including alcohols and fluorinated freons (see col. 7, lines 5-25), enzymes, bleaches, water and perfume (see examples of prespotter formulas, cols. 7-8).

18. Concerning the applicant's requirement for specific KB values, as the applicant's requirements for the working fluid have been met by the prior art compounds, such limitations as KB value would be inherent to the prior art compounds.

*Allowable Subject Matter*

19. Claim 82 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to teach the combination of the fragrance, the specific solvent of claim 82 and the washing additive. The prior art does not provide any motivation for combining the solvent of claim 82 with perfume as the prior art composition containing the solvent of claim 82 are not intended to be presented to the consumer but are instead industrial steps for treatment of the textile.

*Conclusion*

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 703-305-4945. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

A handwritten signature in black ink, appearing to read 'Gregory E. Webb', is written over a horizontal line.

Gregory E. Webb  
Primary Examiner  
Art Unit 1751

gw